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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,311	03/04/2002	Diego Kaplan	UTL 00134	8151
7590 05/02/2007 Kyocera Wirless Corp., Attn: Patent Department PO Box 928289 San Diego, CA 92192-8289			EXAMINER TRUONG, LAN DAI T	
		ART UNIT 2152	PAPER NUMBER	
		MAIL DATE 05/02/2007	DELIVERY MODE PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/091,311	KAPLAN, DIEGO	
	Examiner Lan-Dai Thi Truong	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 February 2007.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 11-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 11-30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 04 March 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. This action is response to communications: application, filed on 03/04/2002; amendment filed 02/07/2007. Claims 11-30 are pending; claims 11-17, 19-25, 28-30 are amended
2. The applicant's arguments file on 09/07/2006 have fully considered; but they are moot in view with new ground for rejections

## **Response to Arguments**

3. Applicant's arguments filed 02/07/2007 have been fully considered; but Applicant's arguments are not persuasive as flowing reasons

4. Regarding Applicant's arguments with respect to the cited references do not disclose selecting the format prior to encoding the SMS message are not persuasive; Moskowitz clearly discloses this claimed feature, i.e. method for selecting a fewest number of binary bits character encode format for encoding message; although Moskowitz does not explicitly disclose step of the format selected prior encoding message; however it would have been obvious in the art to know that prior message encoding process implementing, encoding format should be selected, see (Moskowitz: column 12, lines 1-10; column 13, lines 40-46; column 3, lines 1-50)

5. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., ...responsive

to SMS message character encoding requirements...) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993)

6. In response to applicant's argument that the Mathai fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., character encoding...) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993)

7. In response to applicant's arguments that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., selecting the SMS character encoding format based on a wireless device resource requirement of the encoded SMS message...) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993); However, the Moskowitz also discloses this claimed features, i.e. Moskowitz discloses steps of testing and evaluating encoding message in different kinds of "numbers of bits character encoding formats" which shares functionality with "resource requirement of the encoded message"; and then the fewest binary bit character encoding format is selected for encoding transmitting message, see (Moskowitz: figures 14-19; column 3, lines 1-50; column 12, lines 1-10, lines 15-40; column 13, lines 40-45; column 7, lines 60-67; column 11, lines 67)

### **Claim rejections-35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**Claims 11-17 are rejected under 35 U.S.C 103(a) as being un-patentable over Lee (U.S. 6,590,887) in view of Moskowitz et al (U.S. 5,249,220)**

**Regarding claim 11:**

Lee discloses the invention substantially as claimed, including a system, which can be implemented in a computer hardware or software code for optimal Short Message Service (SMS) encoding in a wireless communications device having SMS capabilities, the system comprising:

Character encoding subsystem with input to accept the SMS message and an output to supply the SMS message in a character encoding format: (Lee disclose method for creating and transmitting encoded SMS from a digital mobile communication terminal with a SMS function. In the Lee's digital mobile communication terminal, " an encoder/decoder" which shares functionality with "character encoding subsystem" as claimed, which implements SMS encoding process on received generated SMS message from PCS and then transmits encoded SMS into network: column 2, lines 38-43)

However, Lee does not explicitly disclose an optimizing subsystem which accepts n message, accepts evaluation control signal and supplies an optimizing signal responsive to message character encoding requirements prior to character encoding the message

In analogous art, Moskowitz discloses a method for generating encoded alphanumeric message in the fewest binary bits character encoding format for transmitting over wireless network; Moskowitz's system contains numbers of available different character encoding formats those are represented by numbers of binary bits. The binary bit character encoding formats are evaluated in order to select the fewest binary bit character encoding format for encoding transmitting message; it would have been obvious in the art to know that prior message encoding process implementing, encoding format should be selected: figures 14-19; column 3, lines 1-50; column 12, lines 1-10, lines 15-40; column 13, lines 40-45; column 7, lines 60-67; column 11, lines 67)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Moskowitz's ideas of using selected the fewest binary bits character encoding format for encoding alphanumeric message into Lee's system in order to be able to employ a well-known standard with Lee's system for saving resource and development time and also to be able to reduce memory/bandwidth consumption, see (Moskowitz: column 2, lines 1-37)

**Regarding claim 12:**

In addition to rejection in claim 11, Lee- Moskowitz further discloses identifying character encoding format parameters including the number of bits needed to represent characters: (Moskowitz discloses encoding format must be identified while evaluating and

selecting encoding format such as five bits, six bits ...ect. the smallest number of binary bits is chose to represent the message: column 12, lines 1-9; column 13, lines 34-45)

**Regarding claim 13:**

In addition to rejection in claim 12, Lee- Moskowitz further discloses method of determining a memory usage requirement, selects as the optimal encoding format with a minimum memory usage, and wherein the optimizing subsystem supplies the identity of the optimal encoding format in the optimizing signal: (Moskowitz discloses the encoding format is determined such as five bits, six bits ...ect. the smallest number of binary bits is chose to represent the message: (column 12, lines 1-9; column 13, lines 34-45)

**Regarding claim 14:**

This claim is rejected under rationale of claim 11

**Regarding claim 15:**

In addition to rejection in claim 14, Lee- Moskowitz further discloses a memory circuit has an input to accept the encoded SMS message for storage and an output to supply the stored SMS message: (Lee discloses RAM and ROM to store predefined messages. The message read from the memory and displays on the display: column 1, lines 42-45, lines 22-45; column 3, lines 25-52)

**Regarding claim 17:**

In addition to rejection in claim 15, Lee- Moskowitz further discloses wherein the user interface has an input to accepts the stored message for presentation: (Moskowitz: figure 4)

**Regarding claim 16:**

In addition to rejection in claim 15, Lee- Moskowitz further includes transceiver:  
(Moskowitz: figure 1, item 50)

**Claim 18 is rejected under 35 U.S.C 103(a) as being un-patentable over Lee-  
Moskowitz in view of Wolf et al. (U.S. 5,844,922)**

**Regarding claim 18:**

Lee- Moskowitz discloses the invention substantially as disclosed in claim 15, but does not explicitly teach seven-bit ASCII as a default optimal encoding format

In analogous art, Wolf discloses a constraint length of 7 is typical in encoding format, see (Wolf: column 1, lines 44-46; column 2, lines 3-12; column 3, lines 15-30; column 13, lines 63-64).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Wolf's ideas of using constraint length of 7 is typical as encoding format into Lee- Moskowitz's system in order to be able to employ a well-known standard with Lee's system for saving resource and development time

**Claims 19-21, 23-24 and 28-30 are rejected under 35 U.S.C 103(a) as being un-patentable Kim (U.S. 2001/0049289) in view of Moskowitz et al (U.S. 5,249,220)**

**Regarding claim 19:**

Kim discloses the invention substantially as claimed, including a method, which can be implemented in a computer hardware or software code for encoding a Short Message Service (SMS) message, the method comprising:

Encoding SMS message using a character SMS encoding format to generate an encoded message: (Kim discloses method for generating encoded SMS message for transmitting over the network; Kim's encoding MSM system inherently includes character MSM encoding format; also it would have been obvious in the art to know that prior encoding process implementation, encoding format should be selected: [0026]; [0029]-[0032]; [0040]; claim 1)

However, Kim does not explicitly disclose selecting the character encoding format based on a wireless device resource requirement of the encoded message: (Moskowitz discloses a method of testing and evaluating encoded message in different types of "numbers of bits character encoding formats" which shares functionality with "resource requirement of the encoded message"; and then the fewest binary bit character encoding format is selected for encoding transmitting message: figures 14-19; column 3, lines 1-50; column 12, lines 1-10, lines 15-40; column 13, lines 40-45; column 7, lines 60-67; column 11, lines 67)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Moskowitz's ideas of using the fewest binary bits character encoding format for encoding alphanumer message into Kim's system in order to be able to employ a well-know standard with Kim's system for saving resource and development time and also to be able to reduce memory/bandwidth consumption see (Moskowitz: column 2, lines 1-37)

**Regarding claim 28:**

This claim is rejected under rationale of claim 19

**Regarding claims 20-21 and 29:**

Those claims are rejected under rationale of claim 19

**Regarding claims 24 and 30:**

In addition to rejection in claims 20 and 29, Kim-Moskowitz further discloses determining a memory usage requirement of the SMS message: (Moskowitz discloses a method of evaluating and selecting the fewest “binary bit” which is equivalent to “memory usage” encoding format as a predetermined format for transmitted message: column 12, lines 1-10, lines 15-40; column 13, lines 40-45; column 7, lines 60-67; column 11, lines 67)

**Regarding claim 23:**

In addition to rejection in claim 21, Kim-Moskowitz further discloses determining a number of bits need to represent characters in the available format: (Moskowitz discloses a method of evaluating and selecting the fewest “binary bit” which is equivalent to “memory usage” encoding format as a predetermined format for transmitted message: column 12, lines 1-10, lines 15-40; column 13, lines 40-45; column 7, lines 60-67; column 11, lines 67)

**Claims 26-27 are rejected under 35 U.S.C 103(a) as being un-patentable over Kim-Moskowitz in view of King et al. (U.S. 5,859,594)**

**Regarding claims 26-27:**

Kim-Moskowitz discloses the invention substantially as disclosed in claim 19, but does not explicitly teach receiving message at wireless device via user interface

In analogous art, King discloses “paging terminal” which is equivalent to “wireless device” receives messages via interface: (abstract; column 1, lines 15-27)

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine King’s ideas of using receiving SMS via wireless device interface with Kim-Moskowitz’ s system in order to provide conveniences for users

**Claim 22 is rejected under 35 U.S.C 103(a) as being un-patentable over Kim-Moskowitz in view of Murray et al. (U.S. 6,539,118)**

**Regarding claim 22:**

Kim-Moskowitz discloses the invention substantially as disclosed in claim 21, but does not explicitly teach evaluating an English-language SMS message in ISO Latin 1, and Unicode formats as usable; and, determining the number of bits needed to represent characters in ISO Latin 1, and Unicode formats

However, in the same field of endeavor, with an analogous art, Murray discloses a system and method for evaluating character sets of message containing a plurality of character sets. Murray discloses a communication system includes “character table bank” stored in the system storage. “Characters table bank” contains many different code formats such as Unicode, “ISO-8859-1” which is equivalent to “ISO Latin 1” and ASCII. Through out the “characters table bank”, the communication system performs searching, evaluation and selecting the best code format such as for faster processing, see (Murray: column 1, lines 65-67; column 2, lines 3-30; column 4, lines 32-35, 42-46, 61-67; column 5, lines 16-24; column 6, lines 60-67; column 7, lines 1-4).

Thus, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Murray’s ideas of code message in different code formats such as Unicode, “ISO-8859-1” with Kim-Moskowitz’s system in order to determine the best code format in order to reduce bandwidth, memory utilization

**Claim 25 is rejected under 35 U.S.C 103(a) as being un-patentable over Kim-Moskowitz in view of Wolf et al. (U.S. 5,844,922)**

**Regarding claim 25:**

Kim-Moskowitz discloses the invention substantially as disclosed in claim 20, but does not explicitly teach selecting the optimal encoding format includes selecting seven-bit ASCII as a default optimal encoding format

In analogous art, Wolf discloses method of using length of 7 bit as encoding format: column 1, lines 44-46; column 2, lines 3-12; column 3, lines 15-30; column 13, lines 63-64).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Wolf's ideas of using constraint length of 7 is typical as encoding format into Kim-Moskowitz's system in order to be able to employ a well-known standard with Lee's system for saving resource and development time

The prior arts made of records and not relied upon are considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "System and method for optimal short message service (SMS) encoding in a wireless communications device": 20030125055; 6125281; 6421706; 20020123359; 6920331; 20020160818; 5729610; 6496543; 20030065802

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### **Conclusions**

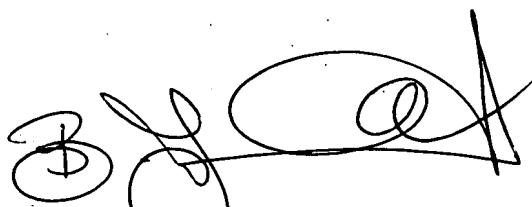
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan-Dai Thi Truong whose telephone number is 571-272-7959. The examiner can normally be reached on Monday- Friday from 8:30am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob A. Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2152

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

04/27/2007



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SUPERVISORY PATENT EXAMINER